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10/519,310	02/01/2005	Po Lian Poh	084324-000100US	9153
20350 7590 11/13/2009 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER				
D AGOSTINO, PAUL ANTHONY				
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/519,310

**Applicant(s)**

POH ET AL.

**Examiner**

Paul A. D'Agostino

**Art Unit**

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 June 2009.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20-42 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 20-42 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 01 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date 6/29/2009  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This responds to Applicant's Arguments/Remarks filed 06/10/2009. Claims 20-21, 36-37 have been amended. Claims 1-19 stand cancelled. Claims 39-42 have been newly added. Claims 20-42 are now pending in the application.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 37-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant's amendments to Claim 37 either render Claim 37 as all preamble or a claim statement wherein the steps cannot be distinguished one from another. Either way, the claim is such now that Examiner cannot positively ascertain the metes and bounds of the claim scope. To advance prosecution the claim is interpreted as the companion method to Claim 20. Appropriate attention is required.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 20, 23-24, and 30-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. No. 2004/0053661 to Jones et al. (Jones) in view of U.S. Patent No. 1,527,929 to D.G. Simons (Simons).

In Reference to Claims 20 and 36-37

Jones discloses a virtual card gaming system (Fig. 1A) and method (Fig. 3) comprising:

a processing unit (Fig. 2 "processor" 38 and [0031]);

a plurality of player screens connected to the processing unit (Fig. 2 "display devices" 30, 32);

a computer readable storage medium having stored thereon code means for instructing a computer to execute the method ("The memory device 40" ... "program code" [0031]), comprising:

a touch sensing unit associated with each player screen (Fig. 2 "touch screen controller" 52 and "touch screen" 50 and [0032]), wherein playing cards displayed on each player screen are adapted for graphical manipulation in response to continuous touch movements detected through the associated touch sensing unit ("The display device displays a functional game element, such as a wheel, a reel, a card or set of cards .....The player actuates the functional game element or the mechanical functional element through the use of the touch screen" [0037-0040] and as seen in Figs. 4A – 5C, each player manipulates the functional game elements through continuous touch movements through the associated touch screen).

However, Jones is not explicit as to depicting the functional elements as three dimensional representations so as to partially reveal the each playing cards from a face down representation such that a portion of an underside of the playing card in a face down representation is revealed in an advancing manner corresponding to an advancement of the continuous touch movements.

Simons teaches of a card game wherein cards are three dimensional representations which partially reveal the each playing cards from a face down representation such that a portion of an underside of the playing card in a face down

representation is revealed in an advancing manner corresponding to an advancement of the continuous touch movements (Fig. 1 showing cards removably mounted to a board which prevents the corners of the cards from being prematurely "sprung back" (Col. 2 Line 61) but which are revealed as claimed when lifted in one continuous movement by the player).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the representation of real (3-D) cards being "sprung back" as taught by Simons into the teachings of Jones in order to "provide a wagering game device which provides players with greater control over functional game elements and provides a more realistic feel to wagering gaming devices by enabling varied actuation of a control device while maintaining random outcomes ([0005]).

#### In Reference to Claims 23-24

Jones as modified by Simons discloses wherein each player screen is divided into a set of functional areas, and the processor processes touches detected through the touch sensor units based on the functional area in which the touch was detected (the display device displays functional elements e.g., a set of cards actuated by a player using the touch screen [0037]) and wherein the set of functional areas comprises a playing cards area ([0037]).

#### In Reference to Claims 30-35

Jones as modified by Simons discloses wherein the system further comprises a

sound unit of providing an audio signal under the control of the processor unit, and the processor unit is capable of manipulating the audio signal based on signals from the touch sensor units (Fig. 2 "sound card" 42 and [0031]; see also [0043]); wherein the system further comprises a payment unit, and the processor unit accounts transactions of each player (Figs. 1A and 1B and [0027]); wherein the payment unit comprises a notes reader ("notes" [0027]); wherein the system is operable under an automatic mode without a human controller, a semi-automatic mode with a human controller, and manually controllable by a human controller (Jones discloses a motion detector which detects movement by a player and can take the machine out of an attract mode [0010] and detect a movement by a player to actuate a game event to occur [0010] and further recognize game inputs by a human controller using "input devices" 44 [0032]).

7. Claims 21-22 and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Simons further in view of U.S. Patent No. 4,860,217 to Sasaki et al. (Sasaki).

Jones as modified by Simons discloses a system substantially equivalent to Applicant's claimed invention wherein a trigger margin is provided on said each functional playing card and if the touch sensing unit senses said continuous touch movements following a touch within the trigger margin (Fig. 5A a touch margin, read in light of Applicant's specification page 11 Lines 25-32 can be a touch point. Jones discloses a touch point (Fig. 5A touch points 110 to 112) and "The video image contains at least one functional game element. In this example, the functional game elements

are dice 102. However, it should be appreciated that the video image may be any suitable functional game element. The speakers 36 emit auditory instructions to the player on how to activate the functional game element. The player contacts the touch screen with a member, such as the player's finger 104. The touch screen in this example includes an indicator strip 108. The player places the member along the indicator strip and contacts the indicator strip in the manner in which the player would like the dice to be rolled. The touch screen controller sends a signal or a plurality of signals to the processor. The processor determines the parameters of the actuation and sends a signal to the display device to move the functional game element in accordance with the player input." [0043]).

However, Jones as modified by Simons fails to disclose wherein the processing unit generates an imaginary elongated member for mapping a portion of the playing cards where the continuous touch movements are acted thereon, said imaginary elongated member being perpendicular to a direction of the continuous touch movements.

Sasaki teaches of a system for effecting a transformation of a video image (Title) wherein the processing unit generates an imaginary elongated member for mapping a portion of the playing cards said member being perpendicular to a direction of the continuous touch movements and wherein the imaginary elongated member is an imaginary cylinder (Fig. 7 "cylindrical image"...A construction on the screen in this case can provide a visual effect such that an image represented by a piece of paper can be visualized as if it were gradually turned over" Col. 4 Lines 7-25). Sasaki provides this



system and method in order to provide a three dimensional "page turn-over effect" (Col. 1 Lines 35-40 and Col. 2 Lines 1-4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the page turn-over effect and elongated cylinder as taught by Sasaki into the teachings of Jones as modified by Simons in order to provide a three dimensional "page turn-over effect" (Col. 1 Lines 35-40 and Col. 2 Lines 1-4).

Further, Jones fails to disclose when the elongated member has reached a highest point of the imaginary elongated member during partially revealing of the playing card in the advancing manner, the portion of the playing card further advances in the direction of the continuous touch movements without mapping onto the imaginary elongated member.

Sasaki discloses that the images of Fig. 7 and 8 are a "construction of the screen in this case can provide a visual effect such that an image represented by a piece of paper can be visualized as if it were gradually being turned over" implicitly teaching that at some point {highest point} the graphics follow a line that turns the paper over rather than wrapping it around the cylinder. Sasaki provides this system and method in order to provide a three dimensional "page turn-over effect" (Col. 1 Lines 35-40 and Col. 2 Lines 1-4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the visual effect as taught by Sasaki into the teachings of Jones as modified by Simons wherein a functional element is manipulated in a direction

made by a players continuous motion using his finger in order to provide the visual effect of the "page turn-over-effect" for a playing card.

8. Claims 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Simons and further in view of U.S. Patent Pub. No. 2002/0097229 to Rose et al. (Rose).

Jones as modified by Simons discloses a system substantially equivalent to Applicant's claimed invention. However, Jones as modified by Simons fails to disclose wherein the set of functional areas comprises a chip holding area and a betting area; wherein the processor instructs the removal of a chip from display in the chip holding area and display of the chip in tile betting area as a result of a single touch detected in the chip holding area through tile touch sensor unit, followed by a touch detected in the betting area; and wherein the processor instructs the removal of another chip of the same value from display in the chip holding area and display of the chip in the betting area as a result of a subsequent single touch detected in the betting area.

Rose teaches of a touch screen device wherein the screen has a chip holding area and a betting area and wherein chips may be moved of the same value by the gestures made by the screen operator (Fig. 8 and [0051-0052; see also 0012-0014]) in order to provide a remote control having a touch pad that recognizes gestures performed on the touch pad for controlling on-screen games [0011].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the limitations as taught by Rose into the teachings of

Jones as modified Simons in order to provide a touch pad that recognizes finger gestures performed on the touch pad for controlling on-screen games.

9. Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Simons and further in view of U.S. Patent Pub. No. 2005/0164789 to Nakamura et al. (Nakamura)..

Jones as modified by Simons discloses a system substantially equivalent to Applicant's claimed invention. However, Jones as modified by Simons fails to disclose wherein the system further comprises a dealer screen connected to the processor unit for displaying shuffling of a stack of cards and dealing of cards to the player screens and wherein a touch sensor unit associated with the dealer screen facilitates the dealer screen to function as a user interface to the processor unit.

Nakamura teaches of a dealer screen (Fig. 16 displaying a "virtual dealer" [0038]) connected to the processor unit for displaying shuffling of a stack of cards and dealing of cards to the player screens (system is capable of performing this intended use) and wherein a touch sensor unit associated with the dealer screen facilitates the dealer screen to function as a user interface to the processor unit (Nakamura teaches of a touch screen interface panel on monitor 44 [0052] to execute the game commands as stated in [0048]. Nakamura provides this system and method in order to play video card games in a closed or contained environment ([0003]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the limitations as taught by Nakamura into the teachings

of Jones as modified by Simons in order to play video card games in a closed or contained environment.

10. Claims 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Simons and further in view of U.S. Patent Pub. No. 2001/0000778 to Sines et al. (Sines).

Jones as modified by Simons discloses a system substantially equivalent to Applicant's claimed invention. However, Jones as modified by Simons fails to disclose wherein the player screens are disposed substantially horizontal and each player screen is displaced at an angular displacement with respect to each other; wherein the player screens are installed in a table structure with the player screens disposed on a tabletop; and wherein the dealer screen and the player screens are installed in a table structure with the dealer screen and the player screens disposed substantially horizontal on a tabletop, and each player screen is displaced at an angular displacement with respect to each other.

Sines teaches of the above table, screens, and orientations in relation the tabletop, the dealer and the other players (Figs. 2 and 4 and [0057-0061]) and that the screens can be of a touch screen type for the dealer ([0078]) as well as the players ([0091]) in order to reduce operating costs ([0007]), save time ([0008]), and discourage cheating ([0012-0013]).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to employ the table and displays as taught by Sines into the teachings of Jones as modified by Simons in order to provide a table version of a slot game which is efficient and discourages cheating.

### ***Response to Arguments***

11. Applicant's arguments with respect to Claims 20-42 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments concern the amended claim language which has been addressed as part of the rejection of the claims. Further, Applicant argues (see Applicant's Arguments/Remarks page 8) that there is only a cursory mention of cards in Jones. Examiner respectfully disagrees. Jones provides ample teachings and one of ordinary skill in the art would know what is taught as applied to card games such the disclosure by Jones is sufficient. Thus, the rejection of Claims 20-42 is maintained.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is provided in the Notice of References Cited.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

14. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. D'Agostino whose telephone number is (571)270-1992. The examiner can normally be reached on Monday - Friday, 7:30 a.m. - 5:00 p.m..

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

Art Unit: 3714

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/  
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